

REMARKS

Claims 1-4 and 6-14 were rejected under 35 U.S.C. §103 as allegedly being anticipated by United States Patent No. 6,532,961 to Kwok in view of United States Patent No. 4,907,584 to McGinnis. Reconsideration and withdrawal of this rejection is requested.

5 Kwok does not disclose the claimed feature in independent claims 1 and 9 of the bridge member including attachment points for headgear, the attachment points lying in an approximately mid sagittal plane. The addition of McGinnis (if it could be made which Applicants dispute, absent the use of hindsight as discussed herein) does not overcome this deficiency in Kwok.

10 McGinnis discloses a face mask having an upwardly projecting strap retaining tab 23 that has elongated apertures 24 used to receive and retain headgear straps. As shown in Figure 1 of McGinnis, the attachment points lie outside the mid sagittal plane, and in fact, lie on either side of the mid sagittal plane. Therefore, McGinnis does not disclose or suggest the limitation of “said attachment points lying in an approximately mid sagittal plane” of claims 1 and 9.

15 Therefore, Applicants submit that the combination of Kwok and McGinnis (if it could be made which Applicants dispute herein, absent the use of hindsight as discussed herein) would not render obvious claims 1 and 9. Thus, Applicants submit that claims 1 and 9 are not rendered obvious.

20 Furthermore, Applicants submit that the combination of Kwok and McGinnis can only be made with hindsight after reading the disclosure of the present invention.

McGinnis does not disclose a forehead rest mounted on the projecting strap retaining tab 23. As such, unless the projecting tab 23 is sufficiently rigid, if the headgear is not over-tensioned, the projecting tab 23 would tend to flex toward the user's forehead.

5 The forehead rest as disclosed in Kwok require the placement of the attachment means at the outermost ends of the forehead rest 25. These points are displaced a distance from the mid sagittal plane to enable the pressure applied to the forehead rest to be spread across a larger surface area. Therefore, in order to achieve the desired pressure spread as taught by Kwok, Applicants submit that one skilled in the art would not apply the attachment means disclosed in McGinnis to the teachings of Kwok, without first having to redesign the forehead rest portion of the bridge member to achieve the desired pressure spread. Applicants submit that it would not 10 have been obvious to one skilled in the art to modify the bridge member and forehead rest of Kwok to incorporate the projecting tab with attachment means disclosed in McGinnis, without undertaking an inventive step to achieve the desired pressure spread across the user's forehead.

15 Therefore, Applicants submit that the combination of Kwok and McGinnis would not have been obvious to skilled in the art, absent the use of hindsight after reading the disclosure of the present invention. Thus, Applicants submit that claims 1 and 9 is not rendered obvious.

Claims 2-4, 6-8 and 11-14 are dependent upon claim 1 or claim 9 which Applicants submit is in condition for allowance. Reconsideration and allowance of these claims is requested.

In view of the above, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Response, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

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Respectfully submitted,

Dated:

Dec 7, 2006

By:

Raiford A. Blackstone, Jr.

Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 W. Adams Street, 36th Floor
Chicago, Illinois 60603

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